

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

C.A. No: 09-40041-FDS

SAMUEL CHENG)	
Plaintiff)	
)	
v)	<u>PLAINTIFF'S RESPONSE TO THE</u>
)	
SUNOCO INC. (R&M))	<u>DEFENDANT'S AMENDED COUNTERCLAIM</u>
Defendant)	

Now comes the plaintiff Samuel Cheng and responds to the defendant's First Amended Counterclaim as follows:

1. The plaintiff admits.
2. The plaintiff admits.
3. The plaintiff admits.
4. The plaintiff admits that he previously operated a Sunoco franchise, but denies the presumption that he therefore was presumed to have knowledge of all of Sunoco's franchise operations.
5. The plaintiff denies.

6. The plaintiff denies.

7. The plaintiff neither admits nor denies but calls upon Sunoco to prove the same.

8. The plaintiff denies.

9. The plaintiff admits.

10. The plaintiff admits, but says Sunoco did not live up to the letter of the language quoted.

11. The plaintiff admits.

12. The plaintiff admits, but says there was a substantial time element between the dealer school and the operation of the premises involved in the instant suit.

13. The plaintiff denies.

14. The plaintiff neither admits nor denies, as he has no knowledge of the averment.

15. The plaintiff denies that Sunoco had a right to 'correct' the payment arrangement that way it did, and neither admits nor denies the balance of the paragraph.

16. The plaintiff denies.

17. The plaintiff admits.

18. The plaintiff denies.

19. The plaintiff admits.

20. The plaintiff denies his refusal to vacate but does admit the Natick District Court did issue an execution for possession.

21. The plaintiff denies.

22. The plaintiff restates and incorporates all of his previous responses.

23. The plaintiff admits.

24. The plaintiff denies.

25. The plaintiff denies.

26. The plaintiff admits he received some benefits but denies they were without objection.

27. The plaintiff denies.

28. The plaintiff denies.

29. The plaintiff denies.

30. The plaintiff denies.

- 31. The plaintiff denies.
- 32. The plaintiff denies.
- 33. The plaintiff denies.
- 34. The plaintiff denies.

THE PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES

SAMUEL CHENG
By his attorney

/s/ Nathaniel D. Pitnof

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CERTIFICATION

It is hereby certified that on August 2, 2010, a true copy of the within was filed electronically and is available for viewing and downloading from the ECF system. The following counsel of record will receive notice of the filing of this document electronically from the United States District Court for the District of Massachusetts.

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/s/ Nathaniel D. Pitnof

Nathaniel D. Pitnof, Esq.